

BORRELLI & ASSOCIATES

— P.L.L.C. —

www.employmentlawyernewyork.com

655 Third Avenue
Suite 1821
New York, NY 10017
Tel. No. 212.679.5000
Fax No. 212.679.5005

910 Franklin Avenue
Suite 200
Garden City, NY 11530
Tel. No. 516.248.5550
Fax No. 516.248.6027

December 30, 2020

Via ECF

The Honorable Steven Tiscione
United States Magistrate Judge for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Nolan v. City of New York et al., Case No. 19-cv-00187-RPK-ST

Dear Judge Tiscione:

As Your Honor is aware, this office represents Plaintiff William R. Nolan in the above-referenced action brought against Defendants, the City of New York and various individuals, for alleged violations of Plaintiff's First, Second, and Fourth Amendment rights under the Constitution of the United States, via-a-vis the Fourteenth Amendment and 42 U.S.C. § 1983. Pursuant to the Court's Minute Order dated November 30, 2020, we write now - - with Defendants' consent - - to update the Court on the status of proceedings.


Since the parties' last status report dated November 30, 2020 (ECF 34), Plaintiff's criminal prosecution stemming from his arrests on December 20, 2018, and January 14, 2020, remains ongoing, although the charges at issue are on the verge of narrowing substantially. Specifically, as the Court knows from our prior correspondence, on November 19, 2020, Plaintiff's criminal defense attorneys appeared for a virtual conference with the court, at which the parties and the court discussed the District Attorney's affidavit supporting the dismissal of Plaintiff's felony charges. In light of that affidavit, the criminal court stated at that conference that it would dismiss Plaintiff's felony charges at the next in-person conference, which at that time was scheduled for December 2, 2020, and would also consider Plaintiff's arguments concerning the dismissal of his misdemeanor charges at that time.¹ On December 2, 2020, the criminal court adjourned the in-

¹ Also since the parties' last status report, the DMV has responded to Plaintiff's FOIL request by requesting additional information, which Plaintiff has provided, and Plaintiff's process server has attempted service of his subpoena on the Fraternal Order of Police ("FOP"), which is currently closed because of COVID-19,

person conference to January 8, 2021, and therefore Plaintiff anticipates that these issues will be addressed by the criminal court at that time.²

We thank the Court for its attention to this matter.

Respectfully submitted,


Caitlin Duffy, Esq.
For the Firm

To: All counsel of record (*via ECF*)

and thus Plaintiff is continuing to look into an alternative address to serve that subpoena on the FOP. Plaintiff is also still awaiting the DMV's substantive response.

² The parties' respective positions on the stay remains the same as stated in our prior status reports.